



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/663,551 | 09/18/2000 | Mark R. Thompson | 19396-001400US | 6622 |

20350 7590 05/14/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 05/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,551

Applicant(s)

THOMPSON ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2676

DETAILED ACTION

Remarks

This communication is responsive to the amendment the Request for Continued Examination (RCE) filed on March 4, 2003. By this amendment, claims 1, 2, 14, and 19 are amended. Accordingly, claims 1-19 are now presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-4-2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2676

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (5,384,910) in view of Le Blanc (5,977,968).

Considering claim 1, at figs. 1/2, item 12, and col. 2, lines 39-45, col. 9, lines 15-35, Torres sets forth or renders obvious most claimed features of the invention, as recited in the previous office action, paper no. 2; however, Torres fails to contemplate that a control accessible by the user to independently reconfigure the shape of the subsection of the graphical user interface in a plurality of user desired configurations in response to operation of the control by the user.

However, Le Blanc teaches the equivalence for a control (20, see fig. 1) accessible by the user to independently reconfigure the shape of the subsection (17, see fig. 1) of the graphical user interface (16, see fig. 1) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) in response to operation of the control by the user. See figs. 1 (A&B), and col. 3, lines 32-36, and col. 4, lines 10-51.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to modify the operator reconfiguration of a GUI in the Torres' system to include using a control 20 to let the user independently reconfigure the shape of the subsection (17) of the graphical user interface (16) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) as taught by Le Blanc (see col. 3, lines 32-36, and

Art Unit: 2676

col. 4, lines 10-51); in order to allow the user to interact with the graphical user interface, and to change a section of the GUI that reflects the user's preference.

The invention of claims 2-3, 11, including a formatting graphical user interface (30) comprises defining a subsection of the GUI and designating the subsection of the GUI as reconfigurable (*by means of processor 12 of system 10 defining window 34 including a menu field or subsection 60*), although slightly different, it recites features equivalent to and performing similar functions as in claim 1, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 1, for the system 10, during processing, does not reconfigure the entire GUI (30), but only a portion of the display or the components or subsections of the menu-formatted GUI. Is reconfigured. It is further noted that the processing system 10 can facilitate the designation of at least one of the plurality of the fields (or subsections 58-68) in field palette 56 of GUI 30 for manipulation or reconfiguration by the user, as characterized by step 178 of fig. 10 of Torres, and Le Blanc further teaches allowing the user to modify the shape of the GUI's subsection during reconfiguration, as suggested at col. 3, lines 32-36, and col. 4, lines 10-51).

Re claims 4-10, 12-13, the claimed steps of--utilizing a width and height to define the maximum expansion and the minimum compression size limit of the subsection, and allowing the user to control the expansion the GUI together with the subsection—are characterized by the functions of processing system 10 of Torre, for this feature allows for maximum flexibility in utilizing the formatted GUI and allows for the customization of the components of the GUI by the user operator. See Torre's col. 3.

Art Unit: 2676

Considering claims 14-18, Torres discloses or render obvious most claimed features of the invention as applied in the above claims 2-3, and 11 rejections and further in view of the rejections applied in the previous office action; except for the claimed of providing a control accessible by the user to independently reconfigure the shape of the subsection of the graphical user interface in a plurality of user desired configurations in response to operation of the control by the user.

However, Le Blanc teaches the equivalence for a control (20, see fig. 1) accessible by the user to independently reconfigure the shape of the subsection (17, see fig. 1) of the graphical user interface (16, see fig. 1) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) in response to operation of the control by the user. See figs. 1 (A&B), and col. 3, lines 32-36, and col. 4, lines 10-51.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to modify the operator reconfiguration of a GUI in the Torres' system to include using a control 20 to let the user independently reconfigure the shape of the subsection (17) of the graphical user interface (16) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) as taught by Le Blanc (see col. 3, lines 32-36, and col. 4, lines 10-51); in order to allow the user to interact with the graphical user interface, and to change a section of the GUI that reflects the user's preference.

The invention of claims 19, including the steps of defining the spatial properties of the subsection (*as characterized by Torres' item 56 of fig. 2 by means of processor*

Art Unit: 2676

12); and permitting the user to retain the spatial properties of the subsection during reconfiguration (*by means of the operator-initiated command under the execution of the processor to contemplate for the designation of the reconfigurable subsection of the GUI 30 in Torres*), although slightly different, it recites features equivalent to and performing similar functions as in claim 2, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 2. The spatial properties are noted to represent the field menus or subsections arrangements on the screen of GUI 30 (see Torre's fig. 2), so as to make the user interaction easier.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-872-9314, (for **Technology Center 2600 only**)

or (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

Commissioner of Patents and Trademarks

Washington, DC 20231

Any inquiry concerning this communication or earlier communications from the

Art Unit: 2676

examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308-5857**. The examiner can also be reached on Monday through Thursday and on alternate Fridays between 9:00AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesner Sajous - WOS

5/5/03